

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR NOBLE COUNTY)

Case No. 57S00-11 07 -MS- 413

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Noble Circuit and Superior Courts request the approval of an amended local rule for the appointment of special judges in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Noble Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR57-TR79(H)-5, complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Noble County Local Rule, LR57-TR79(H)-5, set forth as an attachment to this Order, is approved effective July 1, 2011, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Robert Kirsch, Noble Superior Court, 101 North Orange Street, Albion, IN 46701-1095; the Hon. Michael J. Kramer, Noble Superior Court, 101 North Orange Street, Albion, IN 46701-1095; the Hon. G. David Laur, Noble Circuit Court, 101 North Orange Street, Albion, IN 46701-1095; to the Clerk of the Noble Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Noble Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 1st day of July, 2011.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

(A) Cases involving a change of judge pursuant to Trial Rule 76

In the absence of an agreement as to the appointment of a particular special judge pursuant to Trial Rule 79(D) or an agreement to have the regular sitting judge appoint a special judge pursuant to Trial Rule 79(E), the regular sitting judge shall name a panel pursuant to Trial Rule 79(F) consisting, whenever possible, of the other judges, senior judges (if they are willing to accept such appointment) or magistrates from Noble County. If a sufficient number of Noble County judges, available senior judges, or magistrates do not exist, then a panel shall be named including the available Noble County judges, senior judges or magistrates together with judge(s), available senior judge(s) or magistrates from counties selected within the Judicial Administrative District of which Noble County is a member.

If none of the above methods produce a special judge, the regular sitting judge shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates¹ eligible under Trial Rule 79(J) from counties selected within the Judicial Administrative District of which Noble County is a member. The Court Reporter for the Noble Circuit Court shall (1) maintain the list of judges or magistrates from which the special judge is to be selected, and (2) keep a record of the next available judge or magistrate on the list.

In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

(B) Cases involving recusal or disqualification of a judge pursuant to Trial Rule 79(C)

In the absence of an agreement as to a particular special judge pursuant to Trial Rule 79(D) or an agreement to have the regular sitting judge appoint a special judge pursuant to Trial Rule 79(E), the clerk of the court shall select a special judge (on a rotating basis) from a list of judges or magistrates from Noble County. The Court Reporter for the Noble Circuit Court shall (1) maintain the list of the Noble County judges or magistrates from which the special judge is to be selected, and (2) keep a record of the next available judge or magistrate on the list.

If the above method does not produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates² eligible under Trial Rule 79(J) from counties selected within the Judicial Administrative District of which Noble County is a member. The Court Reporter for the Noble Circuit Court shall (1) maintain the list of judges or magistrates from which the special judge is to be selected, and (2) keep a record of the next available judge or magistrate on the list.

In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

^{1,2}Not including those judges or magistrates who have previously declined appointment in the particular case for which a special judge is required.